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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,646

01/03/2005

Thomas Dressler

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09/18/2006

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EXAMINER

STULTZ, JESSICA T

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,646

Applicant(s)

DRESSLER, THOMAS

Examiner

Jessica T. Stultz

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 0704.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election of Group II, claims 4-11, in the reply filed on August 1, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 1-3 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group I, there being no allowable generic or linking claim.

Information Disclosure Statement

The information disclosure statement filed July 15, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, no copy of the crossed out foreign reference (i.e. EP 1004937), was filed with the IDS and therefore this reference has not been considered. Additionally, foreign reference DE 8809136 was not found in the file, however DE 3804242 and an English abstract thereof was filed with the IDS. Therefore the information on the 1449 has been changed accordingly.

Claim Objections

Claim 4 is objected to because of the following informalities: claim 4, line 1, "An universal" should be "A universal". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wutherich US 4,408,830, herein referred to as Wutherich '830.

Regarding claim 4, Wutherich '830 discloses a universal optics module (Column 2, line 28-Column 3, line 3, wherein the optics module comprises housing "18" and cradle elements "12", "13", and "14, Figures 1-8) with a carrier plate for receiving at least one optical imaging element in a receiving plane (Column 2, line 28-Column 3, line 3, wherein the carrier plate comprises cradle elements "12", "13", and "14, which hold optical imaging element "11" or "25", which is mounted in mount "10", in a receiving plane defined by the x-axis and y-axis, Figures 1-8), wherein said carrier plate carries said optical imaging element at its optical axis oriented to one axis with a pre-specified axial direction (Shown in Figures 1-8), and said axis has a fixed physical arrangement to a reference joined to said carrier plate, with which said carrier plate can be positioned (Column 2, line 28-Column 3, line 3, wherein the axis aligns with an optical housing upon which the carrier "18" is positioned, Figures 7-8).

Regarding claim 5, Wutherich '830 further discloses that the axis runs perpendicular to said receiving plane (Shown in Figures 1-8, wherein the optical axis is perpendicular to the receiving plane of the optical elements "11" or "25") and seating surfaces are worked into said carrier plate as references that concentrically enclose said axis in a common plane that is parallel

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to said receiving plane (Shown in Figures 1-8, wherein the seating surfaces "12", "13", and "14" concentrically enclose the optical axis and are positioned in a common plane parallel to the receiving plane of the optical element "11" or "25").

Regarding claim 6, Wutherich '830 further discloses that said seating surfaces are sunk into said carrier plate in a triangular formation (Shown in Figures 1-8, wherein the seating surfaces "12", "13", and "14" form a triangular formation).

Regarding claim 7, Wutherich '830 further discloses that for aligning said optical imaging element said carrier plate contains at least one adjusting element (Column 2, line 28-Column 3, line 3, wherein the adjusting element comprises springs "15" and cradle element "12", Figures 1-8) that engages an adjustable stop torsion-free on said optical imaging element (Column 3, line 6-Column 4, line 6, wherein the edge of element "12" acts as an adjustable stop which engages the optical imaging element "11" or "25" without rotation, i.e. in a torsion-free manner, Figures 1-8).

Regarding claim 8, Wutherich '830 further discloses that the adjustable stop is attached to a lever arm of a solid lever that is adjustable relative to a fixed part using an adjusting spindle that engages said lever arm (Column 2, line 28-Column 4, line 6, wherein the lever arm "12" is the indented portion of the entire lever "12" which is adjustable relative to a fixed part "18" using an adjusting spindle "15", Figures 1-8).

Regarding claim 9, Wutherich '830 further discloses that said adjusting spindle is pre-stressed and arrested by a compression spring that is supported on said lever arm and on a clamping sleeve that is attached in a spindle bearing in said fixed part (Column 2, line 28-Column 4, line 6, wherein the spindle comprises springs "15" supported on lever arm "12" and

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held in openings "20", i.e. clamping sleeves, within spindle bearing portion "19" of fixed part "18", Figures 1-8).

Regarding claim 11, Wutherich '830 further discloses an optics module carrier, wherein said optical imaging element can be displaced parallel to said receiving plane of said carrier plate as required for alignment (Column 3, line 6-Column 4, line 6, wherein the optical imaging element "11" or "25" can be displaced parallel to the receiving plane as disclosed by sliding elements "12", "13", and "14", Figures 1-8).

Allowable Subject Matter

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowable subject matter: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically in reference to claim 10, none of the prior art alone or in combination disclose or teach of an optical module as disclosed including an adjusting element that engages an adjustable stop torsion-free on an optical imaging element including a solid lever and a lever arm adjustable with an adjusting spindle comprising a compression spring, specifically wherein the adjusting spindle and a fine-pitch thread for engaging the lever arm are provided with a special coating that minimizes friction.

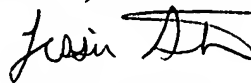
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McKinley US 6,624,947, Sechrist et al US 6,304,393, and Dressler US 2003/0156680 are cited as having some similar structure to the claimed invention since they disclose universal optics modules including a carrier plate for holding an optical imaging element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jessica T Stultz
Examiner
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